Human Rights

A Newsletter Reviewing
Human Rights Developments
in Manitoba

THE MANITOBA HUMAN RIGHTS COMMISSION

LA COMMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

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Human Rights: Internet Friendly

Getting information about human rights in Manitoba is now only a mouse click away, thanks to the new Internet site created by the Commission.

The new web site's electronic address is www.gov.mb.ca/hrc. It is bilingual and features a great deal of information about The Human Rights Code, the Commission and how it works, and much more besides. A major reason for initiating the web site was to ensure information from the Commission reaches as many people as possible. But the site is also interactive, and people wishing to file a complaint, but who live far from a Commission office, can now easily get information about our complaint process through the web page.

Earlier this year the Commission brought on board Tom Pieczonka as a Summer student through the Province's STEP programme. Tom is an undergraduate student at the University of Manitoba. His role was to design and make operational a fully functional web site. The site would feature all of our publications (in English and French), provide general information about the law and the Commission, and have the potential to receive inquiries online.

EXECUTIVE DIRECTOR'S MESSAGE

Welcome to our second issue. This has been a year of change for us. Recent amendments to The Code reduced the number of Commissioners from 13 to 10. (The Board establishes policy and makes final determinations on complaints.) Our procedures for handling complaints also changed, speeding the process and offering alternative dispute resolution options. Public education activities have also expanded, using the Internet and this newsletter.

We have tried to be creative in the development and use of resources, but the volume of complaints filed this year is already 50% higher than in 1996, resulting in unavoidable increases in the demands on our staff. I am grateful for the enthusiasm and support received from all staff when new initiatives were undertaken, and for their flexibility and dedication.

Feedback is always welcome. Please call me at 945-3020 or forward your comments to 301-259 Portage Avenue, Winnipeg, R3B 2A9.

-Dianna Scarth

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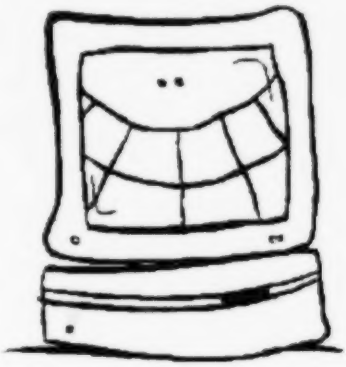
The new site does all of this, and more. For example we feature links to the web sites of other Human Rights Commissions in Canada. A click of a mouse button on our site will get you automatically onto the site of the Canadian Human Rights Commission, for example.

The site also will feature automatic updates of information, the latest legal proceedings and statistics, and other timely news. An end result for the Commission is that the site will make information about human rights, and access to filing a complaint, much easier, especially for people living an inconvenient distance from one of our offices.



Tom said he enjoyed working with the Commission this past Summer. "It's a great organization. Human rights is very important, and this was certainly rewarding work."

The site will be available to anyone in the world with a computer, a modem and the right software. It is one more step towards improving service to the public, making human rights law more accessible, and improving linkages and information sharing on human rights issues with many different organizations around Canada and the world.

Some Graduates of the Aboriginal AIDS Educator Training Program
(From left to right: Kandisi Saltise, June Manitopyes,

Bernadine Arsenault, Winston Gabriel and Kim Edwards)

AIDS AND ABORIGINAL COMMUNITIES

Discrimination related to HIV and AIDS is of great concern to The Manitoba Human Rights Commission. A new project, which the Commission has supported through a workshop for trainees, addresses issues related to Aboriginal peoples and HIV/AIDS.

Exact statistics are hard to nail down. About 24 out of every 100,000 Aboriginal people in Canada have tested positive for HIV. Both HIV and AIDS are increasing among Aboriginal peoples. Most worrying is that the people contracting HIV and AIDS are younger and more likely to be women than before.

Because of this, the Manitoba Aboriginal AIDS Task Force (MAATF) decided significant action was needed to increase awareness among Aboriginal communities on how to avoid getting the condition or passing it to someone else, how to know if you have contracted HIV, and all the many related issues of health and lifestyle choices.

Many Aboriginal communities suffer from preventable health problems. For example, infant mortality rates among Inuit and registered Aboriginal populations are more than twice as high as other Canadians. Causes include substandard housing, inadequate nutrition, lack of health services and high unemployment levels. According to the MAATF, a co-sponsor of the Aboriginal AIDS Educator Training Program (AAETP), AIDS is, tragically, increasing among Aboriginal peoples.

As a result, the AAETP program was created. Its graduates are highly trained individuals who will be a resource to the community. They will make presentations throughout Manitoba about HIV, AIDS, and related issues such as lifestyle choices and sexually transmitted diseases. As the literature puts it, they are free-lance AIDS educators.

The Program, created and administered by the MAATF, is funded by Human Resources Development Canada, and receives accreditation by Red River Community College.

By the time you read this, the first group of trainees will have graduated after an almost year long training program. The program was comprehensive and culturally appropriate.

To date the trainees have already participated in many forums and conferences, including the Manitoba Chiefs Health Assembly in February, 1997.

The program is the only one of its kind in Canada, and the MAATF is currently looking for funding to continue it. Fifteen trainees started the program, and it is an indication of how thorough and difficult the program is that it graduated seven AIDS educators.

The Commission looks forward to participating in training the next group of educators.

Anyone interested in the program and wishing to know more about the programme should call the MAATF at 204-957-1114.

FACING UP TO MEDIATION

by Jane McBee

"Mary" was a nurse's aide in a local hospital. She filed a complaint that her employer refused to accommodate her special need stemming from an injured knee. Mary's case was considered a good candidate for face-to-face mediation a deformalized process that is a special Commission project. In face-to-face mediation, rather than being adversaries, the two parties are assisted in creating a solution to their problem by themselves. Face-to-face is what you think it is: the parties sit in a room, face each other, and work out a solution to their difficulties, facilitated by a Commission staff Officer.

In Mary's case, the problem to be facilitated involved accommodating Mary so she could continue working until her knee healed. Many years of court decisions have established that employers are required to reasonably accommodate special needs arising from a disability. In Mary's particular situation, the employer had a history of accommodating its employees.

However, the employer insisted that Mary stay home until her knee healed and she could perform all of her duties. But Mary wanted to continue to work. However, she could not perform some key duties (for example, delivering mail or picking up supplies, all of which required walking long distances).

A face-to-face mediation held between the two parties, assisted by the Commission's mediator, resulted in an agreement: Mary was given a motorized scooter with a basket to carry supplies, an attachment for her crutches and a special apron in which to put mail. Her complaint was resolved in fifteen days.

Speeding Up The Complaint Process

A major goal of the Commission is to speed up the complaint process wherever possible. Our first newsletter described the pre-complaint process. Face-to-face mediation is our second pilot resolution project.

Face-to-face mediation is a non-adversarial process using trained staff. A few days after a complaint is served, our staff contacts the Respondent to discuss any questions she or he may have regarding complaint procedures, and to advise about our mediation process, and determine whether it is appropriate to the situation at hand.

Face-to-face mediation has several advantages:

1. the complaint can be resolved in one month,
2. there is no finding of guilt or innocence,
3. both parties reach an understanding of the other's concerns, and
4. the parties work out their own resolution, rather than having one imposed.

Participating in mediation is strictly voluntary. If the parties initially agree to try it, our mediators meet with each party separately to: determine each party's interests...to review the process and determine if it is appropriate...and to ensure that each party understands that the purpose is to help the parties come to a resolution. Ground rules for the session are also reviewed (for example, speaking respectfully and not interrupting).

If an agreement on how to resolve the issue(s) is achieved, the resolution is confirmed in writing and the complaint is then terminated or ended. If no agreement is reached, the complaint is referred to investigation. Whatever was said by either party during mediation is not used as part of the investigation

mediation is strictly performed on a without prejudice basis.

JANUARY - SEPTEMBER 1997
COMPLAINT STATISTICS

GROUNDS	NUMBER	%
ANCESTRY	50	16.08
NATL. ORIGIN	6	1.93
DISABILITY	91	29.26
AGE	29	9.33
SEX	65	20.90
MARITAL/ FAMILY STATUS	24	7.71
SOURCE OF INCOME	6	1.92
SEXUAL ORIENTATION	8	2.57
RELIGION	11	3.53
OTHER	20	6.43
TOTAL	311	100%

SETTLEMENT NEWS

by Dianna Scarth

Two recent settlements illustrate the wide range of concerns and issues addressed by The Code, and demonstrate the types of settlements which may be reached.

Rental of Equipment

"Lucy" lives in rural Manitoba and is of Aboriginal ancestry. She phoned a store and arranged to rent a carpet cleaner for the weekend. Although she was assured one would be available for her, when she arrived she was told that the last unit had been rented and no other units were available.

The investigation confirmed the Complainant's allegation that the refusal to rent the unit to her was because she was of Aboriginal descent.

When no settlement was reached, the Board of Commissioners referred the matter to adjudication. The Respondent then agreed to provide a letter of apology to the Complainant. Although "Lucy" had also requested a modest financial payment to compensate her for the cost of having her carpet cleaned professionally, she declined to pursue any financial compensation because the Respondent's business had failed.

Maternity Leave

The second settlement involved a complaint submitted by two female permanent, part-time employees of a large organization.

When they became pregnant and applied for paid maternity leave pursuant to their collective agreement, the employer refused, stating the benefit was not available to part-timers.

The Complainants alleged that the refusal constituted discrimination on the basis of their sex (pregnancy)

and/or family status (being mothers). Part-time employees who were absent from work for reasons unrelated to pregnancy were entitled to pro-rated leave benefits, while part-time employees who were absent from work due to pregnancy were not entitled.

The Board of Commissioners directed that this matter be referred to adjudication; however, the matter was settled before a hearing took place. The Complainants received individual remedies to compensate them for their loss of salary during their maternity leave (approximately $2,500 each). As well, the Respondent now extends maternity leave benefits to all part-time employees.

HUMAN RIGHTS DAY 1997

THE HUMAN RIGHTS JOURNALISM AWARD

The first Human Rights Journalism Award was given in 1987 to Jim Compton and Andy Blicq (Canadian Broadcasting Corporation) for their tv documentary, Peguis Story. The Award was a framed Chilean arpillera. The decision on who was given the Award was made by a panel of community members and professional journalists. The arpillera was commissioned for the Award, which was co-sponsored by the Commission and The Winnipeg Press Club.

Starting in 1989, the Award became a special trophy designed by John Graham, pictured above. The trophy drew its inspiration from the image of a burning candle, the symbol of international human rights issues. Gordon Sinclair, Jr. won the first trophy for a series of columns in The Winnipeg Free Press on the police investigation of the shooting death of J.J. Harper.

The trophy has been used since then as the Award. Over the years, the Community Legal Education Association became a co-sponsor, along with The Commission and The Press Club.

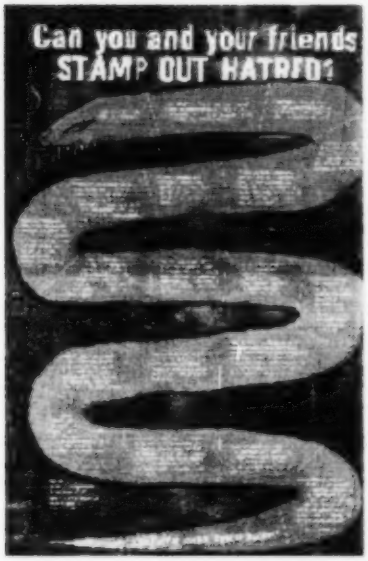
CLEA HUMAN RIGHTS DAY LUNCHEON

On December 10, the Community Legal Education Association will host its annual Human Rights Day event. This year, activities include a candle lighting ceremony by His Honour The Honourable Yvon Dumont, the presentation of the Human Rights Journalism Award, and the CLEA Manitoba Human

Rights Achievement Award.

Entertainment will be provided by Gord Paynter, a comedian who draws on his own life's experiences overcoming barriers and stereotypes. He has performed in the Yuk Yuk's circuit and at Montreal's Just For Laughs.

The event will be held at the Sheraton Winnipeg, between 11:45 am - 1:30 pm. Tickets are available in two prices of $20 plus GST if you are employed or can afford it, or $16 plus GST if you are a student or can not afford more. Call 943-2382 and ask for Barbara Palace.



MAKE YOUR OWN CHO!CES!

There are "undercover" racist groups in our society. Such groups appear to offer a positive message. But in fact they promote racism, while trying to recruit new members by disguising their racist views as something else.

They target young people for their veiled message of hate.

CHO!CES formed a committee to work on this problem, made up of CHO!CES, our Commission, The Canadian Human Rights Commission, The Public Service Alliance of Canada and The Medicine Fire Lodge.

The committee oversaw the development of a poster by Randa Stewart. Designed for young adults and children, the poster doubles as a game, teaching players how to spot racist groups, even when they hide their real message of hate.

The poster has been distributed to every grade seven through twelve classroom in Manitoba. Members of the Medicine Fire Lodge received a special series of workshops on how to use the poster as both a game and an educational tool, and how to stop the spread of groups which promote racism under the guise of something else.

The game shows players how to analyze situations involving racism, and then what to do about it.

Players also work their way through the various rationales for inaction when racist events occur.

The project was launched on March 24 at a conference hosted in Winnipeg by the B'nai Brith.

The game is available in its original poster format through CHO!CES. You can also find it on the internet, at www.chrc.ca. The electronic version of the game is interactive.

Anyone interested in receiving the poster, obtaining a workshop, or getting more information, should contact CHO!CES at 944-9408 for assistance.

Brandon Office Full Service to the Community
by Ida Erickson

The Commission office in Brandon was opened in 1985. It is located in the Brandon Provincial Building, 340 9th Street, Room 311A. The Brandon office has two full time staff, and offers a complete set of services to the public.

Much of the work starts with an initial telephone inquiry. The number of telephone inquiries over a year can vary from 475 to 590. Of these, some are simple requests for information, some are people seeking advice.

To date, 25 active complaints were taken this year. Of these, 3 have been resolved and 2 are pending resolution through the pre-complaint process (resolving a complaint before it becomes formal). One complaint was resolved through face-to-face mediation, while two others were resolved after some investigation.

Settlements achieved included letters of apology, getting a job back, and financial remedies. Sexual harassment, refusal to accommodate and differential treatment are the largest part of the work.

The Brandon office is also involved in many public education activities. So far this year, there have been 34 speaking engagements, consultations, information booths or other forms of educational activity. The educational information requested by agencies in the Westman area frequently include the topics of pre-employment inquiries (questions which can be asked during a hiring interview) and sexual harassment.

Celebrate Human Rights Day on December 10!

In Brandon, come to the Provincial Building for a free human rights open house, including food, lots of interesting people and a guest speaker. In Winnipeg, consider the CLEA luncheon.

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